IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	ITED STATES OF AMERICA)	
	Plaintiff,) 8:07CR72)	
	vs.) DETENTION ORDER	
JO	SE SILVA,) }	
	Defendant.	;	
A.	Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on March 29, 2007, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 		
C.	distribute more than 50 violation of 21 U.S.C. § years imprisonment and and the distribution of met U.S.C. § 841(a)(1) carryi imprisonment. (b) The offense is a crime of (c) The offense involves a national content.	nd includes the following: e offense charged: to distribute and possess with intent to grams of methamphetamine (Count I) in 846 carries a minimum sentence of five a maximum of forty years imprisonment; champhetamine (Count V) in violation of 21 ng a maximum sentence of twenty years violence.	
	may affect wheth X The defendant h X The defendant h X The defendant h X The defendant is X The defendant of ties. Past conduct of the defendant h The defendant h The defendant h The defendant h	of the defendant including: appears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. does not have any significant community. the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at	

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(b) At the time of the current arrest, the defendant was on:			
X	Probation Parole - State of Iowa		
	Release pending trial, sentence, appeal or completion of		
	sentence.		
(c) Other F			
	The defendant is an illegal alien and is subject to		
	deportation.		
	The defendant is a legal alien and will be subject to deportation if convicted.		
	The Bureau of Immigration and Custom Enforcement		
	(BICE) has placed a detainer with the U.S. Marshal.		
·	Other:		
, 	-		
	nd seriousness of the danger posed by the defendant's		
release are as	follows: The nature of the charges in the Indictment.		
V (E) Behvitteble D	voorumution o		
X (5) Rebuttable Presumptions			
In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)			
	irt finds the defendant has not rebutted:		
	o condition or combination of conditions will reasonably		
assure the appearance of the defendant as required and the safe			
	other person and the community because the Court finds that		
	ne involves:		
	(1) A crime of violence; or		
	(2) An offense for which the maximum penalty is life		
	imprisonment or death; or		
X	(3) A controlled substance violation which has a maximum		
	penalty of 10 years or more; or		
	(4) A felony after the defendant had been convicted of two		
	or more prior offenses described in (1) through (3)		
	above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which		
	is less than five years old and which was committed		
	while the defendant was on pretrial release.		
X (b) That n	o condition or combination of conditions will reasonably		
assure the appearance of the defendant as required and the safe of the community because the Court finds that there is probable cause to believe:			
		X	(1) That the defendant has committed a controlled
			substance violation which has a maximum penalty of
	10 years or more.		
	(2) That the defendant has committed an offense under 18		
	U.S.C. § 924(c) (uses or carries a firearm during and in		
	relation to any crime of violence, including a crime of		
	violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous		
	weapon or device).		

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 29, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge